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 Scitor Corporation, a Delaware Corporation

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION**

WAYNE LUM, an individual,

Plaintiff,

vs.

SCITOR CORPORATION, a Delaware  
 Corporation, and DOES 1-50

Defendants.

No. C 09-05828 JF

**DECLARATION OF MARK E. BAKER IN  
 SUPPORT OF DEFENDANT SCITOR  
 CORPORATION'S MOTION FOR  
 CHANGE OF VENUE**

28 U.S.C. § 1404(a)

Date: March 26, 2010  
 Time: 9:00 a.m.  
 Dept.: Courtroom 3, 5<sup>th</sup> Floor  
 Judge: Hon. Jeremy Fogel

I, Mark E. Baker, hereby declare and state as follows:

1. I am a resident of the Commonwealth of Virginia and am a partner in the law firm of Holland & Knight LLP. I represent Scitor Corporation ("Scitor" or "the Company") in this case, and I provide this declaration in support of Scitor's Motion for Change of Venue under 28 U.S.C. § 1404(a). I have direct and personal knowledge of the facts set forth below and, if called and sworn as a witness, I would testify competently to the truth of these facts.

2. I am a member of the state bars of the Commonwealth of Virginia and the District of Columbia and have practiced law out of offices in the Washington, D.C. metropolitan area since 1985. Throughout my career, I have regularly represented clients and litigated cases in

1 Virginia, with that work heavily concentrated in the counties and cities that are within the  
 2 jurisdiction of the United States District Court for the Eastern District of Virginia ("EDVA"). I  
 3 am familiar with the business community within the EDVA and the caseload of the EDVA.

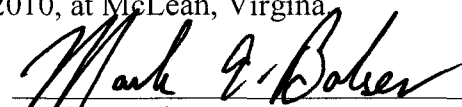
4 3. Based upon my review and knowledge of public reports on cases within the  
 5 EDVA, I am aware that the Judges of that Court (particularly in the Alexandria Division) handle  
 6 many cases involving national security and intelligence-related issues. Some of these cases have  
 7 been the subject of reporting in the national news media, such as the Aldrich Ames spy case in  
 8 1994 and the prosecutions of CIA spy Harold Nicholson in 1997, FBI spy Earl Pitts in 1997,  
 9 National Reconnaissance Office ("NRO") spy David Sheldon Boone in 1998, FBI spy Robert  
 10 Hanssen in 2001, and NRO spy Brian Patrick Regan in 2003.

11 4. Based upon my familiarity with the nature of the business community within the  
 12 jurisdiction of the EDVA and EDVA's caseload, I am also aware that the Judges of the EDVA  
 13 frequently deal with cases involving federal government contractors. The Northern Virginia area  
 14 that encompasses Fairfax County, Arlington County, Loudoun County, Prince William County,  
 15 Stafford County, Alexandria, and various towns and cities within those jurisdictions such as  
 16 Herndon, Virginia has a very high concentration of government contractors. The area of the  
 17 EDVA in Southeastern Virginia around Norfolk, Hampton Roads, and Virginia Beach has a  
 18 dense concentration of U.S. military installations and government contractors that serve those  
 19 defense establishments. Because of the high concentration of defense and other government  
 20 contractors within the EDVA, the Judges of that Court regularly hear and decide cases involving  
 21 government contractors and legal issues that are unique to the government contracting industry.

22 5. I am aware that the headquarters of the NRO, an agency of the United States  
 23 Government, is located in Virginia within the jurisdiction of the EDVA.

24 I declare under penalty of perjury under the laws of the United States of America that the  
 25 foregoing is true and correct.

26 Executed this 15<sup>th</sup> day of February, 2010, at McLean, Virginia

27   
 28 Mark E. Baker